THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.28000 of 2007

Dated: 28.12.2007

Between:

Basheer Hussain and 4 others.

....
PETITIONERS

AND

The District Registrar of Cooperative (Housing) Society
MJ Market, Exhibition Grounds, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO. 28000 of 2007

Order:

Seeking a direction to the respondents for allotment and registration of Plot No.12-A or 29 situated at Sy.No.29 P&T Employees Cooperative Housing Colony, Secunderabad in favour of the petitioners, the present writ petition is filed.

It is the case of the petitioners that though the Deputy Registrar of Cooperative Housing Societies, Secunderabad has passed an award in ARC 13/97-G dated 16.8.1997 in favour of their father, the respondents are not implementing the said award by allotting land in their favour and, therefore, they filed the present writ petition seeking appropriate directions to the respondents.

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Cooperation and perused the award passed under Section 62(4) of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act'). Section 70-A of the Act provides that every order or decision of a non-monetary nature made under the provisions of Sections 62, 76, 77 or 78 shall be executed by the Civil Court having jurisdiction as if such order or decision is a decree of that Court on a certificate issued by the Registrar or any person authorized by him in that behalf.

In the instant case, the petitioners seek implementation of the award passed under Section 62(4) of the Act. Therefore, as per Section 70-A of the Act, the petitioners have an effective alternative

remedy to execute the award by filing an application before the Civil Court having jurisdiction and the relief sought for by the petitioners cannot be granted to them in this petition filed under Article 226 of the Constitution of India.

For the foregoing reasons, the writ petition fails and it is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 28.12.2007

msv